

Introduced by Senator Torlakson

December 6, 2004

An act to add and repeal Section 97 of the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as introduced, Torlakson. Highways: Safety Enhancement-Double Fine Zones.

Under existing law, until January 1, 2006, the segment of State Highway Route 101 between Eureka Slough Bridge and the Gannon Slough Bridge in Arcata is designated a Safety Enhancement-Double Fine Zone.

This bill would, until January 1, 2009, designate, upon approval of 2 county resolutions, as a Safety Enhancement-Double Fine Zone a segment of Vasco Road between the Interstate 580 junction in Alameda County and the Walnut Boulevard intersection in Contra Costa County.

The bill would make that highway segment subject to provisions requiring warning signs placed and maintained by the Department of Transportation or local authorities and to increased fines for traffic violations in the Safety Enhancement-Double Fine Zone.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97 is added to the Streets and Highways
2 Code, to read:

1 97. (a) Upon approval of resolutions by the Alameda and
2 Contra Costa County Boards of Supervisors designating it as a
3 Safety Enhancement-Double Fine Zone, the segment of county
4 highway known as Vasco Road, between the Interstate 580
5 junction in Alameda County and the Walnut Boulevard
6 intersection in Contra Costa County, shall be a Safety
7 Enhancement-Double Fine Zone.

8 (b) The applicable local agency, in consultation with the
9 department, shall assume all responsibilities that would otherwise
10 accrue to the department for the administration of the Safety
11 Enhancement-Double Fine Zone designated pursuant to this
12 section.

13 (c) The Safety Enhancement-Double Fine Zone described in
14 subdivision (a) is subject to the rules and regulations adopted by
15 the department prescribing uniform standards for warning signs
16 to notify motorists that, pursuant to Section 42010 of the Vehicle
17 Code, increased penalties apply for traffic violations that are
18 committed within a Safety Enhancement-Double Fine Zone. The
19 department or the local authority having jurisdiction over this
20 highway segment shall place and maintain the warning signs
21 identifying this highway by stating that a “Special Safety Zone
22 Region Begins Here” and a “Special Safety Zone Ends Here.”

23 (d) Designation of the highway segment in subdivision (a) as
24 Safety Enhancement-Double Fine Zone does not increase the
25 civil liability of the state or local authority having jurisdiction
26 over the highway segment under Division 3.6 (commencing with
27 Section 810) of Title 1 of the Government Code or any other
28 provision of law relating to civil liability.

29 (e) (1) Only the base fine shall be enhanced pursuant to this
30 section.

31 (2) Notwithstanding any other provision of law, any additional
32 penalty, forfeiture, or assessment imposed by any other statute
33 shall be based on the amount of the base fine before enhancement
34 or doubling and shall not be based on the amount of the enhanced
35 fine imposed pursuant to this section.

36 (f) The project specified in subdivision (a) shall not be
37 elevated in priority for state funding purposes.

38 (g) This section shall remain in effect only until January
39 1,2009, and as of that date is repealed, unless a later enacted

1 statute, that is enacted before January 1, 2009, deletes or extends
2 that date.

3 SEC. 2. Section 42010 is added to the Vehicle Code, to read:

4 42010. (a) For any offense specified in subdivision (b) that is
5 committed by the driver of a vehicle within an area that has been
6 designated as a Safety Enhancement-Double Fine Zone pursuant
7 to subdivision (a) of Section 97 of the Streets and Highways
8 Code, or subdivision (a) of Section 97.1 of the Streets and
9 Highways Code, the fine, in a misdemeanor case, shall be double
10 the amount otherwise prescribed, and, in an infraction case, the
11 fine shall be one category higher than the penalty otherwise
12 prescribed by the uniform traffic penalty schedule established
13 pursuant to Section 40310.

14 (b) A violation of any of the following provisions is an offense
15 that is subject to subdivision (a):

16 (1) Chapter 3 (commencing with Section 21650) of Division
17 11, relating to driving, overtaking, and passing.

18 (2) Chapter 7 (commencing with Section 22348) of Division
19 11, relating to speed limits.

20 (3) Section 23103, relating to reckless driving.

21 (4) Section 23104, relating to reckless driving that results in
22 bodily injury to another.

23 (5) Section 23109, relating to speed contests.

24 (6) Section 23152, relating to driving under the influence of
25 alcohol or a controlled substance, or a violation of Section
26 23103, as specified in Section 23103.5, relating to alcohol-related
27 reckless driving.

28 (7) Section 23153, relating to driving under the influence of
29 alcohol or a controlled substance, which results in bodily injury
30 to another.

31 (8) Section 23220, relating to drinking while driving.

32 (9) Section 23221, relating to drinking in a motor vehicle
33 while on the highway.

34 (10) Section 23222, relating to driving while possessing an
35 open alcoholic beverage container.

36 (11) Section 23223, relating to being in a vehicle on the
37 highway while possessing an open alcoholic beverage container.

38 (12) Section 23224, relating to being a driver or passenger
39 under 21 years of age possessing an open alcoholic beverage
40 container.

1 (13) Section 23225, relating to being the owner or driver of a
2 vehicle in which there is an open alcoholic beverage container.

3 (14) Section 23226, relating to being a passenger in a vehicle
4 in which there is an open alcoholic beverage container.

5 (c) This section applies only when traffic controls or warning
6 signs have been placed pursuant to Section 97 or 97.1 of the
7 Streets and Highways Code.

8 (d) (1) Notwithstanding any other provision of law, the
9 enhanced fine imposed pursuant to this section shall be based
10 only on the base fine imposed for the underlying offense and
11 shall not include any other enhancements imposed pursuant to
12 law.

13 (2) Notwithstanding any other provision of law, any additional
14 penalty, forfeiture, or assessment imposed by any other statute
15 shall be based on the amount of the base fine before enhancement
16 or doubling and shall not be based on the amount of the enhanced
17 fine imposed pursuant to this section.